

Corp (2010) and *Payam Tamiz v Google Inc* (2012) in the United Kingdom, point to a relaxation of defamation law and increased protection for freedom of speech, even if partly out of a sense of resignation: given that as a practical matter not much can be done about the proliferation of defamatory electronic communications anyway, it might be easiest just to ignore them.

Also on the subject of defamation and the advancement of freedom of speech, the public interest defence, which is now fully accepted in Hong Kong—see *Yaqoob v Asia Times Online Ltd* (2008)—was subsequently extended by the Privy Council in *Seaga v Harper* (2009) and the Hong Kong Court of Appeal in *Blakeney-Williams v Cathay Pacific Airways Ltd* (2011) to include publications not only by media organizations but by anyone who publishes material of public interest in any medium, so long as the conditions framed by Lord Nicholls in *Reynolds v Times Newspapers Ltd* (2001) as being applicable to “responsible journalism” are satisfied. The requirements for the defence of “honest comment” (formerly fair comment) were relaxed by the Supreme Court in the decision of *Joseph v Spiller* (2011). Lord Phillips effectively rewrote the fourth proposition in *Cheng v Tse Wai Chun* (2000), such that it is no longer necessary that the facts on which the comment is based be so particularized as to allow readers or listeners to evaluate the comments for themselves. The focus is now squarely on the honesty, rather than on the fairness, of the comment.

Finally, it is widely agreed that large damages awards in libel cases tend to inhibit free speech. Only weeks before the publication of this book, the Court of Final Appeal in two decisions rendered on the same day—*Blakeney-Williams v Cathay Pacific Airways Ltd* and *Oriental Daily Publisher Ltd v Ming Pao Holdings Ltd*—confirmed the Court of Appeal’s decisions to greatly reduce the libel damages awarded at trial, and in doing so clarified and to some degree revised the principles for the award of both general and aggravated damages, ensuring that such awards are likely to be much more modest in future.

All of these and other important cases are documented and critiqued in this edition, together with a considerable body of what is not necessarily ground-breaking law but which offers new insights into established principles, in many cases placing them in entirely new factual contexts. For instance, only in Hong Kong could a court decide that the burning of incense on a daily basis in the 8th floor corridor of a residential building might not be nuisance (see *Hu Wei Hsin v Ma Hung Wing* (2011)).

Other changes from the previous edition include a new section on animal liability, an expanded treatment of professional negligence, and an expanded treatment of limitations law, which has been radically altered by decisions here and in the United Kingdom. Sections are also re-arranged, particularly in chapters 3 and 4, to better convey a sense of the subject matter and the linkages with other parts. All chapters have undergone substantial revision in light of case law developments. More than 300 new cases are cited and discussed in this edition.

This edition benefitted from a larger-than-usual student input. I wish to thank Lydia Leung, Jerome Ching, Carrie Lam, Alvin Chan, Joey Tam, Marco Chan, Ivy Ho, Wingy Ha, Sue Chen, Isabella Wong, Karen Cheng, and Amy Wong for their valuable research assistance. Even the cover photograph—a playful re-creation of the iconic imagery from *Donoghue v Stevenson*—was taken by a tort law student, Tiffany Tam Ching. It is my hope that the student voice is heard in this edition.

Thanks finally to Abdul Azeem Ali and the team at Sweet & Maxwell for their perseverance and hard work.

The law is stated as at 30 September 2012.

Rick Glofcheski
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